

These minutes have been approved by the Board on 12.7.2020

MINUTES OF THE CONFERENCE CALL MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
September 14, 2020

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Vicki Criswell, at 10:30 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, LLB, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 9.4.2020.

The following members answered roll call:

Members Present (9):

Bridget Anderson, Vice-Chair (in house)
Shannon Bingham, Member
Vicki Criswell, Chair
Melanie Judkins, Member
Marie Nordboe, Member
Becky Pettigrew, Member
Brandy Phillips, Member
Pamela Rowland, Secretary
Harold "Buddy" Sims, Member

Members Absent (2):

Jacqueline Hornig, Member
Ruth Lucas, Member

Others Present in Conference Room:

Kris Chiles, Program Manager, Licensure Unit
Natalee Hart, Assistant Attorney General
Heidi Weiland, Health Licensing Coordinator
Anna Harrison, Compliance Monitor (on call)
Rachel O'Toole – DHHS Attorney (on call)
Trevor Klaassen – DHHS Investigations (on call)
Kathleen Krueger – DHHS Investigations (on call)
Mark Meyerson – DHHS Investigations (on call)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Pettigrew moved, seconded by Nordboe, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES – 8.3.2020

MOTION: Anderson moved, seconded by Nordboe, to approve the 8.3.2020 minutes. A voice vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

4. COVID-19: Executive Orders, Continuing Education, Re-Opens, and Press Releases

<http://dhhs.ne.gov/licensure/Pages/Cosmetology-and-Esthetics.aspx>

The following was discussed:

- All Counties except Lancaster and Douglas are under Phase IV effective 9.14.2020:
<http://dhhs.ne.gov/Pages/COVID-19-Directed-Health-Measures.aspx>

- Sections have been removed from the DHM. Guidance and best practices will remain and use is recommended.
- Reminder – Esthetician Renewals – licenses expire 9.30.2020 – Cosmetologist Renewals – licenses expire 12.31.2020 – Esthetician post cards have been mailed out, Unlimited online CE's are still acceptable, guidelines to follow for the certificates for continuing education, if certificates aren't provided, supporting documentation can be reviewed by the department (see page 7 of the regulations) https://www.nebraska.gov/rules-and-reggs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-036.pdf
- Changes to the Programs, Schools, In-Service or Classroom instructions for continuing education: (010.04)

5. REGULATION UPDATE: 34/43, 44-46

- Chapter 34 – Sanitation – sent to the AG's office on 6.24.20 for review
- Chapters 44-46 – pertaining to Body Art - in the process of scheduling a 2nd public hearing for review

6. UPDATES AND REPORTS

- a. Legislative Session (July 20 – August 13) – LB 607A – Nail Bill, Senator Scheer vetoed the bill as he didn't want to add any new bills at this time, but will reintroduce bill next year. Rowland spoke with Sen. Scheer and will set up a meeting with Gov. Ricketts to discuss this bill. More details at the October meeting.
- b. Profession Updates:
 - Body Art – no updates
 - Cosmetology – Public member (Jane) had a question regarding the cosmetology curriculum changes in the regulations. She understood there wouldn't be any required numbers of hours on the curriculum so schools could decide the amount of services hours according to the need at that time. Where did these values come from? Did the board decide this information? Follow up with Chiles and Hornig. Criswell stated there are no numbers but "other category" was added.
 - Electrology – Needs new board member – Contact Monica Gissler if interested
 - Esthetics – Criswell – Renewal expires 9.31.2020
 - Nail Technology – Nordboe - No update
 - Indoor tanning – Pettigrew – no update
- c. National-Interstate Council of State Boards of Cosmetology
 - Nordboe – Hornig volunteered to take over
- d. Statistics: emailed to the board members

Chiles stated the board will need replacements for board members completing their term. If interested, please contact Monica Gissler. Bingham and Anderson have reapplied for their current position on the board.

7. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Nordboe, to enter into closed session at 11:26 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Criswell repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

11:26 a.m.	Hart and public member left the meeting
11:35 a.m.	Hart returned to the meeting, O'Toole exited the meeting
11:36 a.m.	Sims left the meeting
11:39 a.m.	Sims returned to meeting
11:41 a.m.	Klaassen, Krueger and Meyerson entered the meeting
11:50 a.m.	Klaassen left the meeting
11:55 a.m.	Krueger left the meeting
11:56 a.m.	Meyerson left the meeting

8. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

Verbal agreement from all board members to enter into open session at 12:12 p.m.

Cassandra Hagemann - Cosmetologist - Reinstatement after Discipline

MOTION: Anderson moved, seconded by Judkins, to recommend reinstate license with no terms and conditions on the basis of following board recommendations. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

Arron Hotz – Tattoo Artist – Initial License

MOTION: Nordboe moved, seconded by Anderson, to recommend a 2 year probation and successfully pass the body art jurisprudence examination within the first 90 days of issuance, abstain from controlled substances, random body fluid screens, follow the evaluation recommendations and any future recommendations, and standard probationary terms and conditions. The basis of this decision was for convictions and multiple diagnoses of substance use disorders. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

Kellie Murphy – Esthetician – Initial License

MOTION: Nordboe moved, seconded by Pettigrew, recommend to issue license with no terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

Nancy Flores – Esthetician – Initial License

MOTION: Nordboe moved, seconded by Pettigrew, recommend to issue license with no terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

Jenny Nguyen Permanent Color Technician – Reinstatement

MOTION: Anderson moved, seconded by Judkins, recommend to reinstate license with no terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Hornig, Lucas (2). Vacant positions (2). Motion carried.

9. ADJOURNMENT

Criswell announced the next meeting is scheduled on 10.5.20 as a conference call and declared the meeting adjourned at 12:20 p.m.

Submitted,

Pamela Rowland, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by:
Heidi Weiland, Health Licensing Coordinator, Licensure Unit